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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,013	02/27/2002	William Christopher Hardy	RIC01068	6962

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WORLD COM, INC.  
TECHNOLOGY LAW DEPARTMENT  
1133 19TH STREET NW  
WASHINGTON, DC 20036

EXAMINER
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RYMAN, DANIEL J

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 04/15/2004

11

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

10/084,013

Applicant(s)

HARDY, WILLIAM CHRISTOPHER

Examiner

Daniel J. Ryman

Art Unit

2665

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 01 April 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: \_\_\_\_\_.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

  
HUY D. VU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

Continuation of 5. does NOT place the application in condition for allowance because: In the current Response, Applicant reiterates the arguments presented in the Response filed 1/2/2004. Examiner has already responded to these arguments in the Final Rejection of 1/27/2004. Since Examiner's position regarding these arguments has not changed, Examiner will rely on the Final Rejection to rebut Applicant's arguments. However, Examiner will discuss several of Applicant's arguments in further detail in order to provide further clarification. In the current Response, Applicant again argues that Randic does not teach transmitting N waveforms since Randic merely discloses transmitting a voice test file. Applicant further argues that Examiner's argument that "the transmitted voice file contains the at least one set of N waveforms" has no basis in Randic. Examiner, respectfully, disagrees. The voice test file contains voice signals where voice signals comprise waveforms. As such, Examiner maintains that Randic discloses transmitting at least one set of N waveforms since Randic discloses transmitting a voice test file which contains a voice signal where a voice signal comprises a set of N waveforms. Applicant also argues that the waveforms in Randic are not assigned a value. Specifically, in order to rebut Examiner's arguments, Applicant argues that a word or sentence is not a waveform characteristic. Again, Examiner, respectfully, disagrees. The claim specifically states that the waveforms contain characteristics which are used to define a value for a waveform. Examiner submits that the waveforms of the voice file have characteristics which define a value, namely a particular letter, word, or sentence, for the waveform which distinguishes the waveform from the other waveforms. In other words, the waveform comprising a word, such as "name", has a specific waveform characteristic which is used to distinguish this waveform from another waveform comprising a different word, such as "the". As such, Examiner maintains that the waveforms contains characteristics which are used to define values for the waveform. Additionally, Applicant argues that Randic does not disclose detecting dropped packets since Randic discloses detecting a path quality factor where the path quality factor depends on a packet loss rate. Particularly Applicant argues that Randic cannot disclose detecting dropped packets since the path quality factor depends on a large number of variables. Examiner, respectfully, submits that the claim language is very broad. The claim only requires that packet loss should be detected if it occurs. The claim does not require that a measurement is taken specifically to detect packet loss separate from other communication characteristics. Examiner notes that, in Randic, any packet loss that occurs will be detected through a lower path quality factor. Thus when packet loss occurs in Randic, it is detected since such a loss will result in a lower path quality factor. The fact that a lower path quality factor can result from other factors does not mean that packet loss is not detected. As such, Examiner maintains that Randic discloses detecting packet loss. Furthermore, Applicant argues that Examiner uses a "word" and "sentence" to read on three claim elements, namely a waveform, a waveform segment, and a value. Examiner, respectfully, disagrees. Examiner asserts that a waveform is transmitted where the waveform is a voice test file and that the waveform can have different segments where the waveform segments are the portions of the waveform that relate to the different sentences and words of the voice test file. The value of the waveform is the word or sentence that is assigned to the waveform and waveform segment. In other words the value of "name" is assigned to a particular waveform segment exhibiting certain characteristics where the waveform segment is part of a larger waveform comprising a voice test file. Applicant goes on to argue that Examiner failed to respond to Applicant's arguments regarding claim 22. Examiner, respectfully, disagrees. Examiner responded to Applicant's arguments in paragraph 6 of the Final Rejection. Applicant further argues that Examiner fails to point out where the cited text teaches or suggests the claim limitations of claim 23. Again, Examiner, respectfully, disagrees. In paragraph 7 of the Final Rejection, Examiner particularly points out the claim limitations for claim 23. Applicant proceeds to argue that Examiner has failed to provide any statement regarding a suggestion or motivation to modify the Randic reference. Examiner disagrees. The Final Rejection provides motivations to modify Randic, specifically the sections pertaining to the rejection. Applicant also argues that Examiner fails to respond to Applicant's arguments regarding claims 2-4. Examiner, respectfully, disagrees and points Applicant to paragraphs 10-11 of the Final Rejection. Applicant argues that Examiner fails to respond to Applicant's arguments than Randic and Fitch are not combinable. Again, Examiner, disagrees, and directs Applicant to paragraph 12 of the Final Rejection. In response to Applicant's arguments that Examiner fails to show where the combination of Randic, Fitch, and Newton teach the subject matter of the claims, Examiner refers Applicant to paragraph 38 of the Final Rejection where Examiner has specifically pointed out where the references teach the limitations of the claims as well as providing motivation for the combination. Finally Applicant argues that none of the references disclose using a semantically encoded waveform as a representative waveform characteristic. In paragraphs 41 and 42 of the Final Rejection, Examiner discloses that Hardy, as cited in Applicant's prior art, teaches using semantically encoded waveforms as a waveform characteristic. Examiner also provides motivation for the combinations. Given the above arguments and the arguments seen in the Final Rejection, Examiner maintains that the rejection of the claims is proper. Applicant is urged to amend the claims in order to distinguish the claims from the prior art.